

REMARKS

Claims 1-40 remain pending in the application after this amendment.

Claims 1, 3, 5, 21, 23 and 25 are in independent form.

A formula that had been inadvertently dropped in the original application has been added to the bottom of page 14. The formula was duly disclosed in original claims 11, 19, 31 and 39.

Allowable Claims 3, 5, 23 and 25 have been amended to recite all the limitations of their respective parent claims. Accordingly, Claims 3-20 and 23-40 are now in condition for allowance.

Claim 1 has been amended to correct a typographical error.

Claim 21 has been amended to further distinguish the claimed method from the prior art.

Support for this amendment may be found in lines 4-12 of the Abstract, and on page 3, lines 16-19, among other locations.

Rejection Under 35 USC 102(b)

Applicants respectfully traverse the rejection of Claims 1, 2, 21 and 22 in view of Nabity.

Nowhere can it be found in that reference any teaching about measuring the concentration of suspended solids.

In Column 1, lines 28-32, it is disclosed that “the amplitude of the sum of the reflected signal . . . represents the volume of the fluid . . .” not a measurement of concentration.

In Column 2, lines 56-61, it is disclosed that the velocity meter is able to directly correct for change in turbidity in a manner independent of variations in the amplitude of the reflected vibrations. Nothing is said about measuring the turbidity.

In Column 8, lines 54-60, it is mentioned that “the signal strength is dependent upon the

concentration of the reflecting particles.” This obvious proclamation does not tell us that the signal strength is “proportional” to the concentration. There is no disclosure in the specification how the strength of the signal could be used to generate an indication of solids concentration.

In spite of the statement in Claim 5, there is no support anywhere in the reference for a method or means to measure suspended particle concentration.

The rejection for lack of novelty is inappropriate.

As explained in the instant application, the intensity of the received signal depends upon many factors, and is not *per se* a reliable indication of particle concentration.

It is one of the principal aspects of the claimed invention that gathered measured intensity values of the signals are **translated** into concentration values as recited in Claim 1, and more specifically **translated** into **estimated** concentration values as recited in Claim 21.

The invention resolved the well-recognized problem that signal intensity, while affected by solids concentration, is not a reliable indication of said concentration. The invention offers a method and means to manipulate the intensity values along with other parameters and translate them into a reliable indication of suspended solids concentration.

In view of which, applicants submit that the pending claims are in condition for allowance.

Respectfully submitted,



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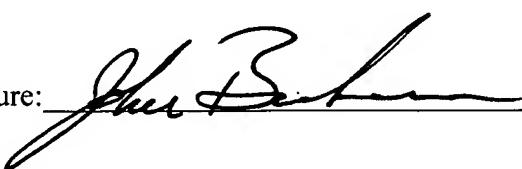
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AMENDMENT

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 28, 2005, by John D. Buchaca, Reg. No. 37,289.

Signature: 

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